

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DON BLANKENSHIP,

Plaintiff,

v.

Civil Action No. 2:19-cv-00236

FOX NEWS NETWORK, LLC et al.,

Defendants.

ORDER

Pending is a motion by Defendant Fox News Network, LLC ("Fox News") to excuse the appearance of local counsel at depositions, filed on January 11, 2021 (ECF No. 717).

Counsel for Fox News note that statements of visiting attorneys and designations of local counsel have been filed in this matter, see ECF No. 161; ECF No. 445; ECF No. 676, and state that the non-attendance of local counsel is appropriate in light of the attendance of the visiting attorneys, the scheduling difficulties arising from the numerous parties involved in the case, and the risks posed by the COVID-19 pandemic, see ECF No. 717.

Counsel also notes that the court previously granted similar motions by other parties without waiting for responses.

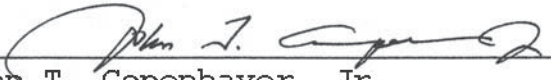
See ECF No. 657; ECF No. 671; ECF No. 675. The court observes that, in these previous motions, the movants indicated that they had communicated with other parties regarding relief sought and had received no indication of objection. See EFC No. 648; ECF No. 669; ECF No. 673. The fact that the movants conferred with the other parties and received no objection formed part of the basis for the court's decision to grant the motions without awaiting responses, see ECF No. 657; ECF No. 671; ECF No. 675, and conferring with other parties before submitting a motion of this nature (not to mention any other non-dispositive motion) remains best practice if a movant hopes to secure a favorable decision from the court without awaiting a response.

Nevertheless, because the court has granted nearly identical motions in the past and discerns no possible valid objection, the court sees no need to await responses to the current motion.

The court finds, pursuant to LR Civ P 83.6, that the attendance of Fox News's local counsel at these proceedings should be excused and that the visiting attorneys may continue to appear. Accordingly, it is ORDERED that the motion to excuse the appearance of local counsel at depositions (ECF No. 717) be, and hereby it is, granted.

The Clerk is directed to transmit copies of this order to all counsel of record and to any unrepresented parties.

ENTER: January 12, 2021



John T. Copenhaver, Jr.
Senior United States District Judge